IV.—GOVERNMENT BILL.

THE MADRAS ESTATES LAND (REDUCTION OF RENT) AMENDMENT BILL, 1956 (L.A. BILL NO. 26 OF 1956).

* THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the following amendments made by the Legislative Council in the Madras Estates Land (Reduction of Rent) Amendment Bill, 1956 (L.A. Bill No. 26 of 1956), as passed by the Legislative Assembly, be taken into consideration."

MR. SPEAKER : The question is—

"That the following amendments made by the Legislative Council in the Madras Estates Land (Reduction of Rent) Amendment Bill, 1956 (L.A. Bill No. 26 of 1956), as passed by the Legislative Assembly, be taken into consideration."

The motion was put and carried and the amendments were taken into consideration.

Clause 2.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"In clause 2, *omit* the Explanation to sub-section (1) of new section 3-A."

Sir, this explanation was accepted and carried by this House. But the difficulty is, if the explanation is allowed to stand as it is, the intention with which the Amendment Bill has been brought forward would be defeated. The explanation says that any land which has not been declared to be private land shall be deemed to be ryoti land. But there will be instances where there may not be any decision or proceedings under the Act and yet land may be private and if such an explanation is inserted in the clause, it will give rise to difficulties. Therefore, the explanation is sought to be removed.

MR. SPEAKER : Amendment moved—

"In clause 2, *omit* the Explanation to sub-section (1) of new section 3-A."

SRI M. NARAYANA KURUP : Sir, I am glad that at least once in the five years, this House is accepting the amendments made by the Council to defend its existence. There had been instances when even verbal alterations made by that House were reversed by this House within 24 hours.

SRI P. RAMAMURTHI : Sir, I would like to know from the Hon. Minister the reasons for this amendment. As far as the substance of the matter is concerned, I do not think there is any

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dispute. That is, the principle enunciated in the Amendment Bill has been accepted. Now, I would like to know why the explanation is sought to be removed. The explanation says—

"Any land which has not been decided to be private land under the Madras Estates Land Act, 1908 (Madras Act I of 1908), shall, for all purposes of this Act, be deemed to be ryoti land."

Now it is proposed to amend it as follows :—

"No person is an estate cultivating any land which is not ryoti land or which has not been decided to be private land under some prior proceedings or under the Madras Estates Land (Reduction of Rent) Act, 1947 as amended by the Madras Estates Land (Reduction of Rent) (Amendment) Act, 1956, shall be bound to pay . . . Government."

Why, the Government proposed to change it. The original intention was to confine the definition of the 'private land' to that contained in the original Act of 1908. Now, they are trying to extend that definition for the purpose of giving benefit under the Rent Reduction Act. I believe, they are now going beyond the scope of the original explanation. I want the Hon. Minister to explain the reasons for it.

* THE HON. SRI M. A. MANICKAVELU : Sir, the explanation reads as follows :— 9 40 a.m.

"Any land which has not been decided to be private land under the Madras Estates Land Act, 1908 (Madras Act I of 1908), shall, for all purposes of this Act, be deemed to be ryoti land."

In the first place there may be other lands also like communal lands, etc. In the next place, there will be instances of lands relating to which it has not been decided that they are private lands, though as a matter of fact they are private lands. According to the explanation, any land which has not been decided to be private land shall be deemed to be ryoti land. This may not be the intention. That is why this explanation is sought to be removed.

SRI S. RAMALINGAM : கனம் சபாநாயகர் அவர்களே, பின்னால் கொண்டு வரப்பட்டிருக்கும் திருத்தத்திற்கும் ஏற்கெனவேயுள்ள க்ளாஸ் 3 (டி)-க்கும் முரண்பாடு இருக்கிறது. ஏற்கெனவேயுள்ள க்ளாஸ் என்னவென்றால்

("Any land in respect of which an application has not been filed within the time prescribed under clause (*b*) of sub-section (2) of section 3-A or in respect of which an application is not admitted under the proviso to that clause shall be deemed to be ryoti land.")

அதாவது இந்த செக்ஷன் பிரகாரம் இந்தச் சட்டம் அமுலுக்கு வந்தவுடன் மனுச் செய்துகொள்ளாவிட்டாலும் அல்லது மனுச் செய்துகொண்டு அது நிராகரிக்கப்பட்டு விட்டாலும் ரயட்டி நிலங்கள் என்று கருதப்படும் என்று இருக்கிறது. ஆனால் இந்தத் திருத்தத்தை ஒத்துக் கொண்டால் ஒவ்வொரு நிலச் சொந்தக்காரரும் தன்னுடைய நிலம் ப்ரைவேட் நிலம்

என்று சொல்லி முடிவு கட்டிவிட்டால் ரயட்டி நிலம் என்று கருதமுடியா மல் போய்விடும். அதனால் இந்தத் திருத்தம் சரியானது அல்ல. முன் னால் இருக்கும் க்ளாசுக்கும் இதற்கும் அதாவது க்ளாஸ் 4-எ-க்கும் முரண் இருக்கிறது. அதனால் இந்தத் திருத்தம் சரியானது என்று நான் கருதவில்லை.

THE HON. SRI M. A MANICKAVELU : கனம் அங்கத்தினர் சொல்வதுபோல் முரணானதாக இல்லை. எக்ஸ்ப்ளனேஷனில் இதைப்பற்றி குறிப்பிட்டிருக்கிறது. ப்ரைவேட் நிலம் என்று ஒரு முடிவுக்கு வராமல் போனால் அதெல்லாம் ரயட்டி நிலம் என்று சொல்லி இருக்கிறோம். இம்மாதிரி முடிவுக்கு வராமலிருந்தால் அது ப்ரைவேட் நிலமாக ஆகிவிடு கிறது. ஆகையினால் அம்மாதிரி போடுவதற்கு இல்லை "· · · any land which is not ryoti land or which has not been decided. . ." என்று இருக்கிறது. "டெசிஷன்" எடுக்காமல் ப்ரைவேட் நிலங்கள் இருக்கின்றன.

9-43 a.m. SRI P. RAMAMURTHI : முதலிலே நாம் கொண்டுவந்திருக்கக் கூடிய திருத்தத்தின் நோக்கம் என்னவென்றால் பலர் பிரைவேட் லாண்டு என்று சொல்லிக்கொண்டு உட்கார்ந்து இருக்கிறார்கள். அந்த நிலங்களில் இருக்கக்கூடிய விவசாயிகளுக்குக் கிடைக்கவேண்டிய நன்மை யும் இல்லாமல் போய்விடும். ஆகவே 1908-ம் வருஷ எஸ்டேட் சட்டப் பிரகாரம் பண்ணை நிலம் என்று ருசுப்பிக்க முடியாத நிலங்களை இந்தச் சட்டம் சம்பந்தப்பட்டவரை ரயத்து நிலம் என்று தீர்மானிக்கவேண்டியது தான் என்பது நம் எண்ணம். ஆகவே அந்த திருத்தத்தைக்கொண்டு வந்தோம்.

மேல்சபையில் உள்ளவர்கள் அதைத் திருத்திவிட்டார்கள் என்பதற்காக நாம் அதை ஏற்றுக்கொள்ள முடியாது. மேல்சபையில் இருக்கக் கூடியவர் கள் மேலானவர்கள் என்றோ, மேலாகப் பார்க்கின்றவர்கள் என்றோ எப்படி வேண்டுமானாலும் எடுத்துக்கொள்ளலாம். ஒருசில நிலக்காரர் களின் சொந்த நன்மையை உத்தேசித்து பெரும்பாலான விவசாயி களுக்குக் கிடைக்கின்ற நன்மையை இந்தத் திருத்தத்தின் மூலமாகக் கெடுத்துவிடக் கூடாது. ஆகவே அதை ஒத்துக் கொள்ளக்கூடாதென்பது என்னுடைய அபிப்பிராயம்.

THE HON. SRI C. SUBRAMANIAM : The point for consideration in this clause, and what the hon. Leader of the Opposition also wants, is this : That in respect of lands which are not declared to be private lands, the rent should be reduced according to the provisions of this Act. That point has been carried out in the amendment proposed which is namely :—

"No person in an estate cultivating any land which is not ryoti land or which has not been decided to be private land under some prior proceedings or under the Madras Estates Land (Reduction of Rent) Act, 1947 as amended by the Madras Estates Land (Reduction of Rent) (Amendment) Act, 1956 shall be bound to pay as rent in respect of that land at a rate exceeding that payable in respect of similar land which is ryoti land in the neighbourhood."

Whatever the Leader of the Opposition wanted has been incorporated in the above clause. Even without going through that to impute motives to Law Officers and to the Upper Chamber, is not correct. According to the amendment, that in respect of all lands

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which are not ryoti or private lands rent shall be reduced according to the provisions of the Act. Here we are not deciding the rights as between ryots and the landowner or between the ryots and the Government. What the Leader of the Opposition wanted was that rent should be reduced except in cases where a decision had been given that the land in question was a private land. Therefore, I do not think, Sir, that any wrong has been done in the Legislative Council. Nor any wrong amendment has been suggested by the Law Officers. The amendment only seeks to carry out the intentions of the Leader of the Opposition. Therefore the amendment will have to be accepted as it is.

SRI P. RAMAMURTHI: I am sorry the Hon. Finance Minister did not probably listen to the speech of his Hon. Colleague. Sir, the Madras Estates Land Act, 1908 (Madras Act I of 1908) has been specifically put in the explanation, because as far as the Madras Act I of 1908 is concerned private land has got a restricted meaning. In the subsequent Act of 1947, the meaning has been widened. As far as the question of reduction of rent is concerned we should go back to the definition as given in the Madras Act I of 1908. That was the reason when I asked, why the Government had changed the definition of private land from the one given in the Madras Act I of 1908. In reply to that, the Hon. Sri M. A. Manickavelu stated that there were lands which could not be declared as private lands and still they might be private lands.

THE HON. SRI C. SUBRAMANIAM: I would request the hon. Leader of the Opposition to read the amendment as such. I do not think my Hon. Colleague intended any such thing. As far as the amendment is concerned it is quite a different thing altogether, and the amendment itself is quite clear and unambiguous.

* THE HON. SRI M. A. MANICKAVELU: The amendment proposed by the Government was not at the instance of any private Member. The Government themselves brought forward the amendment. It is for this reason: As far as the rent payable in respect of lands which are not ryoti or private is concerned it has been dealt with in new section 4-A under new clause 8 of the Bill. With regard to the definition of the words 'private land', what the explanation sought was that any land which had not been decided under some proceedings to be private land should be deemed to be ryoti land. But there are innumerable instances where without any decision being taken under the Estates Land Act they are treated as private lands. If the explanation is allowed to remain it will create an anomalous position. That is why this explanation is sought to be removed.

MR. SPEAKER: I will now put the amendment to the vote of the House. The question is— 9-50 a.m.

"In clause 2, *omit* the Explanation to sub-section (1) of new section 3-A."

The amendment was put and carried.

New Clause 8.

* THE HON. SRI M. A. MANICKAVELU : Sir, I move—

" *After* clause 7, *add* the following as clause 8, namely :—

' 8. *Insertion of new section 4-A in Madras Act XXX of* 1947.—After section 4 of the principal Act, the following section shall be inserted, namely :—

4-A. *Rent payable in respect of lands which are not ryoti or private.*—No person in an estate cultivating any land which is not ryoti land or which has not been decided to be private land under some prior proceedings or under the Madras Estates Land (Reduction of Rent) Act, 1947, as amended by the Madras Estates Land (Reduction of Rent) (Amendment) Act, 1956, shall be bound to pay as rent in respect of that land at a rate exceeding that payable in respect of similar land which is ryoti land in the neighbourhood.' "

This clearly brings out the object with which the amendment has been moved.

The amendment was put and carried.

V.—VALEDICTORY SPEECHES—*cont.*

RESOLUTION OF THANKS TO THE HON. SPEAKER AND RESOLUTION OF THANKS TO THE RETIRING MEMBERS OF MADRAS LEGISLATIVE ASSEMBLY CONSEQUENT ON THE REORGANIZATION OF STATES—*cont.*

* THE HON. SRI A. B. SHETTY : Mr. Speaker, Sir, I am glad I am making my farewell speech in a happy atmosphere created by the announcement of the Hon. the Finance Minister. I hope the service personnel belonging to Malabar and South Kanara will not envy the good fortune of the people in this State, but will look forward to their reward in the new State to which they are going.

Yesterday, many hon. Members of this House belonging to different sections have expressed very fine sentiments and have paid good compliments to the Members representing Malabar and South Kanara. We are extremely grateful to them for those sincere expressions of their feelings.

Madras was a big powerful State when Andhra was a part of Madras. Now, the Andhras have gone away. The Andhra people were full of sturdy nationalist feelings, warm-hearted and emotional. The departure of our old comrades belonging to Andhra was a very sad thing for us. Now, the West Coast people have to leave dear old Madras where they have spent many many years. With the exit of the West Coast members from this House, the Opposition forces will grow weaker.

I do not see my hon. friend Dr. K. B. Menon, the leader of the Praja Socialist Party, here. I am told that there will be only